

REMARKS

The Applicants have now had an opportunity to carefully consider the comments set forth in the Office Action that was mailed July 11, 2008. The recognition of allowable subject matter in claims 4-8, 15, and 16 is noted with appreciation. Nevertheless, all of the rejections are respectfully traversed. Amendment, reexamination and reconsideration of the application are respectfully requested.

The Office Action

In the Office Action that was mailed July 11, 2008:

claims 4-8, 15 and 16 were recognized as including **allowable** subject matter;

claim 25 was rejected under 35 USC §112, second paragraph, for insufficient antecedence;

claims 1-3, 9, 12-14, 17, 20 and 21 were rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 5,914,950 to Tiedemann, Jr. et al. ("Tiedemann");

claims 10 and 18 were rejected under 35 USC § 103(a) as being unpatentable over Tiedemann in view of U.S. Patent Application Publication No. 2002/0151310 by Chung et al. ("Chung");

claims 11 and 19 were rejected under 35 USC §103(a) as being unpatentable over Tiedemann in view of U.S. Patent Application Publication No. 2003/0031130A1 by Vanghi ("Vanghi");

claim 23 was rejected under 35 USC §103(a) as being unpatentable over Tiedemann in view of U.S. Patent Application Publication No. 2002/0136192 by Holma et al. ("Holma");

claim 24 was rejected under 35 USC §103(a) as being unpatentable over Tiedemann in view of Holma and Vanghi; and

claim 25 was rejected under 35 USC §103(a) as being unpatentable over Tiedemann in view of U.S. Patent No. 6,442,398 B1 to Padovani et al. ("Padovani").

The Claims Have Been Amended

While the rejections of the present Office Action are respectfully traversed, in the interest of compact prosecution, independent **claim 1** has been amended to

include the subject matter of allowable **claim 4**, including the subject matter of intervening **claims 2 and 3**. Accordingly for at least these reasons, **claim 1**, as well as **claims 5-12**, which depend therefrom are not anticipated and are not obvious. Accordingly, allowance of **claims 1 and 5-12** is respectfully requested.

While the rejection of independent **claim 13** is also respectfully traversed, in the interest of compact prosecution, **claim 13** has been amended to include the subject matter of allowable **claim 15** as well as intervening **claim 14**. Accordingly, for at least these reasons, **claim 13**, as well as **claims 16-20**, which depend therefrom, is not anticipated and is not obvious in light of Tiedemann. Accordingly, allowance of **claims 13 and 16-20** is respectfully requested.

While the rejection of independent **claim 21** is respectfully traversed, in the interest of compact prosecution, **claim 21** has been amended to include subject matter from allowable **claim 4** and intervening **claim 3**. It is believed that even without the inclusion of subject matter from intervening **claim 2** the Office will find that these amendments include allowable subject matter in **claim 21**.

For at least the foregoing reasons, **claim 21**, as well as **claims 23-25**, are allowable and an early indication thereof is respectfully requested.

Claims 23 and 25 have also been amended to correct antecedence. Other claims have been amended to revise their dependency in light of the amendments to the independent claims.

Telephone Interview

In the interests of advancing this application to issue the Applicant(s) respectfully request that the Examiner telephone the undersigned to discuss the foregoing or any suggestions that the Examiner may have to place the case in condition for allowance.

CONCLUSION

Claims 1, 5-12, 13, 16-20, 21, and 23-25 remain in the application. **Claims 1, 5, 6, 9, 13, 16, 17, 21, 23, and 25** have been amended. For at least the foregoing reasons discussed, the application is in condition for allowance. Accordingly, an early indication thereof is respectfully requested.

Respectfully submitted,

FAY SHARPE LLP

October 13, 2008
Date




Joseph D. Dreher, Reg. No. 37,123
Thomas Tillander, Reg. No. 47,334
1100 Superior Avenue
Seventh Floor
Cleveland, Ohio 44114-2579
216-861-5582

CERTIFICATE OF MAILING OR TRANSMISSION

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☐ deposited with the United States Postal Service as First Class mail, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☒ transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.

Express Mail Label No.:	Signature 
Date <u>October 13, 2008</u>	Printed Name <u>Mary Ann Temesvari</u>

N:\LUTZ\200544\MAT0005811V001.docx